

**Notice of Allowability**

Application No.

10/735,386

Examiner

Faye Francis

Applicant(s)

DEMSKE ET AL.

Art Unit

3725

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/15/05.
2. ☒ The allowed claim(s) is/are 1-8, 10-16 and 18-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date herein.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



9.29.05

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dale Ream on Wednesday September 21, 2005.

The application has been amended as follows:

In claim 1:

A] In line 4, "at least one roller" has been replaced with --a series of rollers --.

B] In line 5, "said roller having an" has been replaced with --said series of rollers each having a smooth outer surface--.

C] Lines 7-13 has been replaced with -- which a first surface of the pressure plate is disposed adjacent to the respective outer surfaces of said series of rollers for crushing pills as the pills pass between the first surface of the pressure plate and the outer surfaces of said series of rollers as said series of rollers are rotatably driven by the motor. --.

In claim 4: In line 3, "surface of the roller" has been replaced with -- surfaces of said series of rollers --.

In claim 5: In line 3, "the roller" has been replaced with -- said series of rollers --.

In claim 10: In line 2, "at least one rollers includes" has been replaced with -- series of rollers include--.

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In claim 11: In line 2, "at least one roller" has been replaced with -- series of rollers --.

In claim 14: In lines 1 and 2, "said at least one roller comprises a plurality of rollers which" has been replaced with --said series of rollers-- and "and have smooth outer surfaces" has been deleted.

In claim 16:

A] In line 5, "and" has been deleted.

B] In line 8, "pills." has been replaced with --pills; and--.

C] In line 9, "a pressure plate attached to the housing, said pressure plate being movable between a closed position in which a first surface of the pressure plate is disposed adjacent to the outer surfaces of the rollers, and an open position in which the pressure plate is displaced away from the outer surfaces of the rollers to facilitate inspecting and cleaning the rollers." has been added.

In claim 19: In line 2, "housing has a" has been deleted.

Claims 17 and 21-24 have been cancelled.

2. The following is an examiner's statement of reasons for allowance:

Claims 1 and 16 have been found to be allowable over the prior art of record because the prior art fails to teach or suggest a portable pill crushing device comprising a series of rollers having smooth outer surfaces and a pressure plate having a first surface that is disposed adjacent to the outer surfaces of the rollers for crushing pills as the pills pass between the first surface of the pressure plate and the outer surfaces of rollers, in combination with the remaining limitations of the claim. For example,

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Sendzimir [4,022,073] discloses a cluster mills comprising a series of rolls [1, 1', 1a, 1'a and 11] and a roll 8 being movable between a first and second position. However, prior art of record fails to disclose or teach the combination of a pill crusher having a series of rollers having smooth outer surfaces and a pressure plate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The replacement drawing was received on 4/2/04. This drawing is acceptable.

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 571-272-4423. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Faye Francis', with a stylized, flowing script.

Faye Francis

FF



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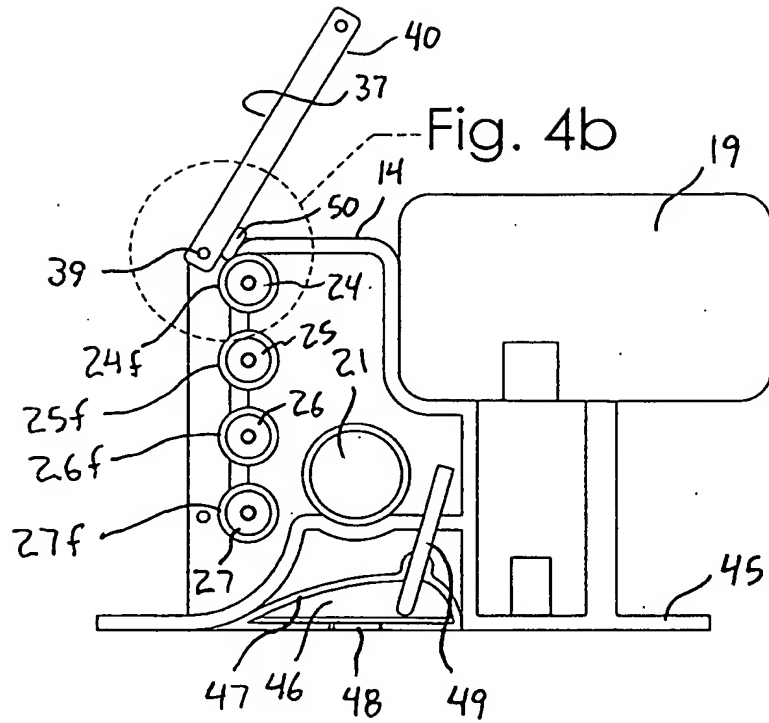


Fig. 4a

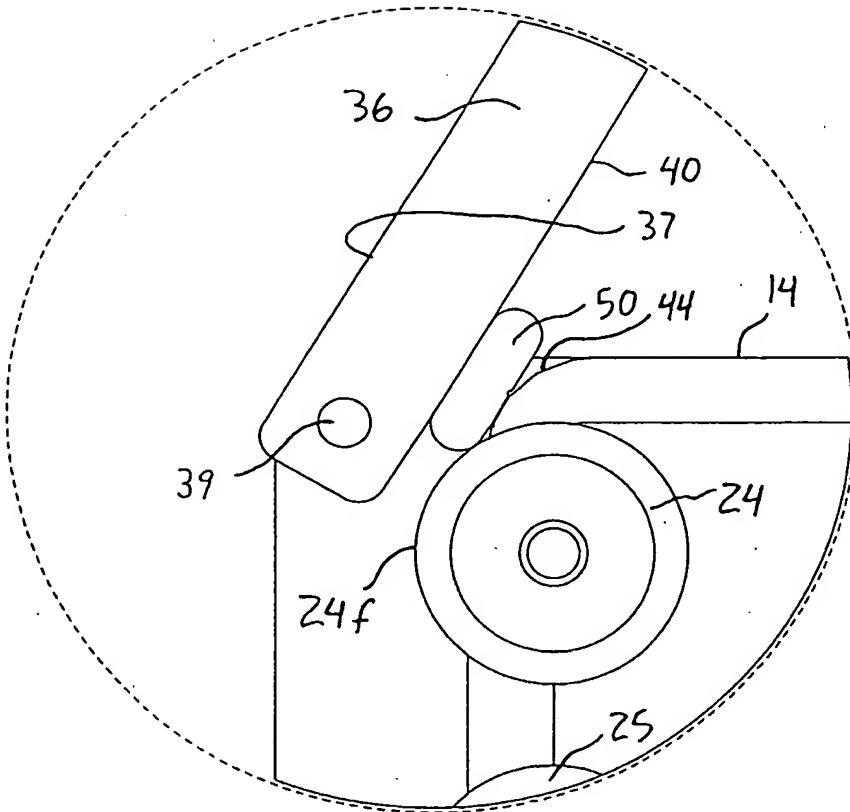


Fig. 4b

Approved 9/20/05  
FF